

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>7/6/05</u>		2 Serial/Patent # <u>09/596,365</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
/	Petition		10/4/04	\$ 1370						
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7 TOTAL AMOUNT OF REFUND			\$ 1370							
8 TO BE REFUNDED BY:										
10 REASON:		Treasury Check								
	Overpayment	Credit Deposit A/C #:								
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/	No Fee Due (Explanation):									
pet created under 37CFR 1.101.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>WAN LAYMAN</u>		TITLE: <u>Pet. Exam</u>								
SIGNATURE: <u>Wan Layman</u>		PHONE: _____								
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APPROVED: <u>Alice Kelly</u>		DATE: <u>7/8/05</u>								

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

PATENT

MS150900.02/MSFTP228US



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I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV526574172US addressed to: Mail Stop DAC, Commissioner for Patents, P. O. Box 1450 U.S. Patent and Trademark Office, Alexandria, VA 22103-1450.

Date: October 4, 2004

Heather Holmes  
Heather Holmes

DAC  
#15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicants: Eric Horvitz, *et al.*

Serial No: 09/596,365

Filing Date: June 17, 2000

Examiner: Larry D. Donaghue

Art Unit: 2154

**RECEIVED**

OCT 08 2004

OFFICE OF PETITIONS

Title: NOTIFICATION PLATFORM ARCHITECTURE

Mail Stop DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**PETITION TO REVIVE APPLICATION**

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Dear Sir:

The above-identified application became erroneously abandoned under the assertion that applicants failed to timely file a Reply to the Office Letter Mailed January 14, 2004 in the above-identified application, a copy of which is attached hereto. Accompanied with this Petition is a copy of Applicants' Request for Continued Examination as filed May 3, 2004 and the United States Patent and Trademark Office's Auto-Reply Facsimile Transmission as received May 3, 2003, attached hereto as Exhibit A.

10/06/2004 NROCHA1 00000006 09596365

01 FC:1453 1370.00 OP

Adjustment date: 07/08/2005 AKELLEY

10/06/2004 NROCHA1 00000006 09596365

01 FC:1453 -1370.00 OP

Refund Ref:

07/08/2005

0030023286

Credit Card Refund Total: \$1370.00

VISA.....: XXXXXXXXXXXX7626

Accordingly, the subject Notice of Abandonment was issued based on an error by the Patent Office (noting the Request for Continued Examination was not received when it in fact was).

In view of the foregoing, it is respectfully submitted that the abandonment of this application was the result of an error by the Patent Office, and thus was clearly unintentional and without deceptive intent. Moreover, applicants' respectfully request that the Petition to Revive said application be granted.

Since the above identified utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Applicants' representative submits that no fee is due for this Petition since the abandonment was due to an error made by the Patent Office, and since the Request for Continued Examination was timely filed. However, in the event a fee is still due, a credit card payment form for the Petition Fee of \$1,370.00 is filed concurrently herewith in connection with this document. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP228US].

Respectfully submitted,  
AMIN & TUROCY, LLP



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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/596,365
Filing Date	June 17, 2000
First Named Inventor	Eric J. Horvitz
Art Unit	2154
Examiner Name	Zarni Maung
Attorney Docket Number	MS150900.02/MSFTP228US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted on April 17, 2004. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 50-1063
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.135 and 1.17)
- iii. ☒ Other Any other fees that may be due \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Himanshu S. Amin	Registration No. (Attorney/Agent)	140,894
Signature		Date	May 3, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or by airmail (703) 872-6306, transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Himanshu S. Amin	Date	May 3, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 1/1 \* RCVD AT 5/3/2004 4:03:56 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/5 \* DMS:8729305 \* CSID:216 696 8731 \* DURATION (mm:ss):01:48

07/08/2005 AKELLEY 00000016 501063 09596365

01 FC:1801 770.00 DA  
02 FC:1251 110.00 DA